

CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:97-cr-00205-RO-1**

Case title: USA v. Fitzgerald

Date Filed: 03/13/1997

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Assigned to: Judge Richard Owen

Appeals court case number:  
99-1548.

**Defendant (1)**

**Police Officer Thomas Fitzgerald**  
*TERMINATED: 09/14/1999*

represented by **Arlen S. Yalkut**  
Yalkut, Saltzman & Israel  
175 Main Street Suite 410  
White Plains , NY 10601  
(914)686-9393  
Fax: (845) 426-7728  
Email: [ayalkut@aol.com](mailto:ayalkut@aol.com)  
*TERMINATED: 09/14/1999*  
*LEAD ATTORNEY*  
*Designation: Retained*

**Philip R. Edelbaum**  
100 Church Street  
New York , NY 10007  
(212) 571-1770  
*TERMINATED: 09/14/1999*  
*LEAD ATTORNEY*  
*Designation: CJA Appointment*

**Pending Counts**

26:7201,18:2 ATTEMPT TO  
EVADE OR DEFEAT TAX  
(15s-17s)

**Disposition**

The dft. is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of 40 months. On each of counts 15, 16, and 17, to run concurrently with each other for total prison term of 40 months. The dft. is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 37 months on each of counts 15 through 17, to run concurrently with each other.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:664.F THEFT OR  
EMBEZZLEMENT FROM  
EMPLOYEE BENEFIT PLAN  
(1)

18:664 THEFT OR  
EMBEZZLEMENT FROM  
EMPLOYEE BENEFIT PLAN  
(1s)

**Disposition**

All open counts are dismissed on the motion of the U.S.

All open counts are dismissed on the motion of the U.S.

18:1341.F FRAUDS AND  
SWINDLES Mail Fraud  
(2-14)

All open counts are dismissed on the motion of the  
U.S.

18:1341 MAIL FRAUD  
(2s-14s)

All open counts are dismissed on the motion of the  
U.S.

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

**United States Of America**

represented by **Andrea Likwornik Weiss**  
Levi Lubarsky & Feigenbaum LLP  
1185 Avenue of the Americas  
17th Floor  
New York , NY 10036  
212-308-6100  
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**LEAD ATTORNEY**

**Lisa A. Jonas**  
US Atty Office  
1 St. Andrew's Plaza  
New York , NY 10007  
791-1970  
**LEAD ATTORNEY**

Date Filed	#	Docket Text
03/12/1997	7	ARREST WARRANT issued as to Thomas Fitzgerald (lf) (Entered: 03/17/1997)
03/13/1997	1	INDICTMENT as to Thomas Fitzgerald (1) count(s) 1, 2-14 (lf) (Entered: 03/13/1997)
03/13/1997	2	ORDER as to Thomas Fitzgerald, Unsealing Indictment ( Signed by Magistrate Judge Michael H. Dolinger ); Copies mailed. (lf) (Entered: 03/13/1997)
03/13/1997		ARREST of Thomas Fitzgerald (lf) (Entered: 03/14/1997)
03/13/1997		First Appearance as to Thomas Fitzgerald held Deft pres w/atty Arlen S. Yalkut, AUSA Andrea Likwornik Weiss pres, deft to be released on \$100,000 PRB cos by 3 FRP's, 1 cosigner today along with deft for release, 2 other cosigners by 3/14/97. (lf) (Entered: 03/14/1997)
03/13/1997	3	NOTICE of Appearance for Thomas Fitzgerald by Attorney Arlen S. Yalkut (lf) (Entered: 03/14/1997)
03/13/1997	4	ARRESTa WARRANT Returned Executed as to Thomas Fitzgerald on 3/13/97 (lf) (Entered: 03/14/1997)
03/13/1997	5	PRB BOND filed by Thomas Fitzgerald in Amount \$ 100,000 (lf) (Entered: 03/14/1997)
03/13/1997	6	Order of advice of penalties and sanctions as to Thomas Fitzgerald () (lf) (Entered: 03/14/1997)

03/20/1997		Arraignment as to Thomas Fitzgerald held Thomas Fitzgerald (1) count(s) 1, 2-14 before Magistrate Judge Henry B. Pitman. Dft. Thomas Fitzgerald with atty. Arlen Yalhut enters a plea of not guilty. Bail continue \$ 100,000 PRB co-signed by 3 financially responsible persons. Case assigned to Judge Sotomayor. (mb) (Entered: 03/20/1997)
03/20/1997		PLEA entered by Thomas Fitzgerald . Court accepts plea. Not Guilty: Thomas Fitzgerald (1) count(s) 1, 2-14 (mb) (Entered: 03/20/1997)
03/20/1997		CASE assigned to Judge Sonia Sotomayor (mb) (Entered: 03/20/1997)
03/20/1997	8	NOTICE of Appearance for Thomas Fitzgerald by Attorney Arlen S. Yalkut (mr) (Entered: 03/21/1997)
03/21/1997	9	ORDER as to Thomas Fitzgerald, reset scheduling order deadlines: Pretrial Conference for 11:30 3/27/97 for Thomas Fitzgerald ; , and Time excluded from 3/20/97 until 3/27/97 to Continue in Interests of Justice ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 03/24/1997)
03/27/1997		Pre-trial conference as to Thomas Fitzgerald held. Defendant Thomas Fitzgerald (Bail) present with attorney Arlen S. Yalkut (retained). AUSA Lisa Jones present. Court will allow the defendant to make 1 day rip to either New Jersey or Pennsylvania for the sole purpose of going to job interviews. Next conference date scheduled for 4/17/97 at 4:00 pm. Speedy trial time excluded for the reasons set forth on the record and in the alternative pursuant to T 18 USC 3161(h)(8)(b)(iv) from 3/27/97 until 4/17/97. Bail continued. (Judge Sotomayor) (mr) (Entered: 04/01/1997)
03/27/1997		ORAL ORDER as to Thomas Fitzgerald , set pretrial conference for 4:00 4/17/97 for Thomas Fitzgerald ( Entered by Judge Sonia Sotomayor ) (mr) (Entered: 04/01/1997)
04/14/1997	10	SUPERSEDING INDICTMENT as to Thomas Fitzgerald (1) count(s) 1s, 2s-14s, 15s-17s (rag) (Entered: 04/15/1997)
04/17/1997	11	ORDER as to Thomas Fitzgerald, reset scheduling order deadlines: Pretrial Conference for 4:00 4/24/97 for Thomas Fitzgerald ; , and Time excluded from 4/17/97 until 4/24/97 to Continue in Interests of Justice ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 04/17/1997)
04/24/1997		Pre-trial conference as to Thomas Fitzgerald held. Defendant Thomas Fitzgerld present with attorney Arlen Yalkut. AUSA Andrea Likwornik Weiss present. Defendant arraigned in S197cr205. Defendant pleads not guilty. The court expands the travel limits of the defendant (as set forth in the defendant's bail conditions); The defendant shall be permitted. to travel to Norwalk Connecticut for work purposes only. The parties are directed to sybmit the appropriate Order necessary to the court to effect the change set forth in the defendant's travel limitations. Next conference set for 5/8/97 at 4:30 pm. Speedy time trial time is excluded from 4/24/97 to 5/8/97 for the reasons set forth on the record, and/or in the alternative pursuant to T.18 USC 3161 (H)(8)(b)(iv). (mr) (Entered: 04/25/1997)
04/24/1997		Arraignment as to Thomas Fitzgerald held Thomas Fitzgerald (1) count(s) 1s, 2s-14s, 15s-17s before Judge Sonia Sotomayor (mr) (Entered: 04/25/1997)
04/24/1997		PLEA entered by Thomas Fitzgerald . Court accepts plea. Not Guilty: Thomas Fitzgerald (1) count(s) 1s, 2s-14s, 15s-17s (Terminated motions - ) (mr) (Entered: 04/25/1997)
04/24/1997		ORAL ORDER as to Thomas Fitzgerald , set pretrial conference for 4:30 5/8/97 for Thomas Fitzgerald ( Entered by Judge Sonia

		Sotomayor ) (mr) (Entered: 04/25/1997)
04/30/1997	12	It is hereby ORDERED as to Thomas Fitzgerald that: Pursuant to Rule 6(e) (3)(c)(i) of the Federal Rules of Criminal Procedure, the government may disclose to the dft. documents obtained by the grand jury in the cases captioned U.S. v. Miceli, et al., 92 Cr. 746 U.S. v. Messera, et al., 92 Cr. 749 (JES) and U.S. v. Mandragons, et al. 92 cr 748(CSH); The dft. may use this material solely in connection with preparation and trial of U.S. v. Thomas Fitzgerald, S1 97 cr.205. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mb) (Entered: 05/01/1997)
05/08/1997		Pre-trial conference as to Thomas Fitzgerald held. Defendant Thomas Fitzgerald present with attorney Alen Yalkut; AUSA Andrea Likvornik-Weiss and Thomas Rubin present. Motion schedule set for 5/22/97-filing of defendant's motion; 6/5/97- Government response; 6/16/97- defendant's reply; Control date for oral argument set for 7/1/97 at 4:30 pm. speedy trial time is excluded from 5/8/97 through 5/22/97 (the date of the filing of any motions)- pursuant to t18usc3161 H8biv. (Judge Sotomayor) (mr) (Entered: 05/09/1997)
05/08/1997		ORAL ORDER as to Thomas Fitzgerald , set scheduling order deadlines: Motion Filing to 5/22/97 for Thomas Fitzgerald ; Response to motion deadline 6/5/97 for USA ; Reply to response to motion deadline 6/16/97 for Thomas Fitzgerald ; ( Entered by Judge Sonia Sotomayor ) (mr) (Entered: 05/09/1997)
05/08/1997	13	ORDER as to Thomas Fitzgerald, ...It is hereby Ordered: 1. Patient records disclosed to the defendant by the government in discovery pursuant to Fed. R. Crim. P. 16 are deemed "confidential information." 2. Confidential information disclosed to defendant or to his counsel during the course of proceedings in this action: (a) Shall be used by defendant or his counsel only for purposes of this action. (b) Shall not be disclosed in any form by defendant or his counsel except as set forth in paragraph 2 (c) below. (c) May be disclosed by defendant or his counsel only to the following persons (hereinafter "designated persons"): (i) secretarial, clerical, paralegal and student personnel employed full-time or part-time by defendant's attorney; (ii) independant expert witnesses or advisors retained by defendant in connection with this action; (iii) such other persons as hereafter may be authorized by the Court upon such motion by defendant. 3. The defendant and his counsel shall provide a copy of this Order to designated persons to whom they disclose confidential information pursuant to paragraphs 2(c)(ii) and (iii). Designated persons shall be subject to the terms of this Order. 4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing or trial held in this action or to any judge or magistrate of this Court for purposes of this action. ( Signed by Judge Sonia Sotomayor ); (ba) (Entered: 05/13/1997)
05/16/1997	14	Amended 6(3) Order as to Thomas Fitzgerald, On the motion of the U.S. Attorney, and with the consent of the dft., by his counsel, Arlen S. Yalkut It is hereby Ordered: Pursuant to Rule 6(e)(3)(c)(i) of the F.R.C.P., the government may disclose to the dft. Fitzgerald, his attorney Arlen S. Yalkut and individuals identified in paragraph 2(c) (1)-(iv) below, documents obtained by the grand jury in the cases captioned U.S. v. Miceli, et. al., 92 Cr. 749 (JES) and U.S. States v. Mandragona et. al grand jury information disclosed to dft. or to his counsel during the course of proceedings in this action. The dft. and his counsel shall provide a copy of this Order to designated persons to whom they disclose the Miceli/Mandragona grand jury information pursuant to paragraphs 2(c)(i)-(iv). Designated persons shall be subject to the terms of this order. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing or trial held in this action or to any judge or magistrate of this Court for purposes of this action. ( Signed by Judge



		Sonia Sotomayor ). (mb) (Entered: 05/19/1997)
05/22/1997	15	Notice of Motion by Thomas Fitzgerald A) Pursuant to the provisions of Rule 14 and Rule 8(a) of the Federal Rules of Criminal Procedure, granting the dft., a separate trial on the counts alleging violations of Title 18 U.S.C. 664 (Embezzlement from a Welfare Fund) and Mail Fraud from thos counts alleging violations of Title 26 U.S.C. 7201 and 6 (Tax Evasion) in the superseding indictment on the grounds that the different charges involve different periods of time, contradictory theories, the counts are not of the same or similar character, the counts are not based upon the same act or transaction and are not part of a common scheme or plan, would be unduly burdensome, constitutes a strategy constructed strictly to afford the Government an unfair tactical advantage without regard to the merits and would be highly prejudicial to the defendant ; B) Pursuant to Rule 12 (b) of the Federal Rules of Criminal Procedure granting inspection of the Grand Jury minutes by the Court, and upon inspection, that the charge of Title 18, U.S.C. Section 664 and related charges , be dismissed on the grounds that there was legally insufficient evidence to sustain such an indictment in the Grand Jury presentation ; C) Pursuant to the Rule 16 of the Federal Rules of Criminal Procedure directing that the government provide to the dft. and his counsel a list of the names and addresses of witnesses, other than witnesses employed by the Government, it intends to call at time at least thirty (30) days prior to the commencement of the trial; D) Pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure directing that the Government be required to furnish a bill of particulars with respect to furnish a bill of particulars with respect to the Government's claims relating to the tax counts of the indictment to set forth in detail which checks (including dates, amounts and number of checks) it alleges constitute payments to the dft. which give rise to taxable income as alleged in Counts 15 through 17 of the superseding indictment: and E) For such other and further relief as to the Court seems just and proper, the dft. reserving the right to make such additional motion as necessary by virtue of the facts disclosed subsequently to the making of these motions or as a consequence thereof. AND IT IS FURTHER DIRECTED, pursuant to the directions of the Court, that answering affidavits, if any, be served in accordance with the schedule set forth by the Court. (mb) (Entered: 05/28/1997)
06/03/1997	16	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 4/24/97 before Judge Sotomayor. (mb) (Entered: 06/03/1997)
06/05/1997	17	ORDER as to Thomas Fitzgerald, reset pretrial conference for 4:30 7/29/97 for Thomas Fitzgerald , and Exclude time from 7/1/97 to 7/29/97 to Continue in Interests of Justice ( Signed by Judge Sonia Sotomayor ); (ba) (Entered: 06/06/1997)
07/02/1997	18	ORDER as to Thomas Fitzgerald the counsel in this action requests an extension of the date of the scheduled conference before the court from 7/29 to 12/4/97 at 4:30. All parties to this action consent to the request and to an exclusion of the adjourned time from the Speedy Trial Act. Time is excluded from 7/29/97 until 12/4/97 pursuant to the Speedy Trial Act and to Continue in Interests of Justice ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mb) (Entered: 07/02/1997)
08/13/1997	19	Filed Memo--Endorsement on letter dated 8/1/97 to Judge Sotomayor signed by Arlen Yalkut as to Thomas Fitzgerald, requesting the terms of bail be enlarged to permit defendant to travel to Rhode Island and to Miami, FL for business purposes.... Granted. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 08/14/1997)
11/18/1997	20	REPLY AFFIRMATION by Thomas Fitzgerald as to Thomas Fitzgerald Re: in support of the defendant's motion for various relief. (ys) (Entered: 11/19/1997)

12/02/1997	21	ORDER as to Thomas Fitzgerald, The Court would like the government to submit a Surreply to the argument raised by the defendant in his Reply Memorandum concerning the Government's failure to present exculpatory evidence to the Grand Jury because of alleged prosecutorial misconduct. Further, the Court would like the government's explanation as to the alleged Missing check stubs. If the government cannot submit the Surreply before the 12/4/97 conference, it should call the Judge's Courtroom Deputy, John hagen, and arrange for an adjournment of the conference to a date after the submissions of the Surreply. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 12/03/1997)
12/11/1997		ORAL ORDER as to Thomas Fitzgerald , set Jury trial for 10:00 3/2/98 for Thomas Fitzgerald denying [15-1] motion A) Pursuant to the provisions of Rule 14 and Rule 8(a) of the Federal Rules of Criminal Procedure, granting the dft., a separate trial on the counts alleging violations of Title 18 U.S.C. 664 (Embezzlement from a Welfare Fund) and Mail Fraud from thos counts alleging violations of Title 26 U.S.C. 7201 and 6 (Tax Evasion) in the superseding indictment on the grounds that the different charges involve different periods of time, contradictory theories, the counts are not of the same or similar character, the counts are not based upon the same act or transaction and are not part of a common scheme or plan, would be unduly burdensome, constitutes a strategy constructed strictly to afford the Government an unfair tactical advantage without regard to the merits and would be highly prejudicial to the defendant as to Thomas Fitzgerald (1), denying [15-2] motion B) Pursuant to Rule 12 (b) of the Federal Rules of Criminal Procedure granting inspection of the Grand Jury minutes by the Court, and upon inspection, that the charge of Title 18, U.S.C. Section 664 and related charges as to Thomas Fitzgerald (1), denying [15-3] motion be dismissed on the grounds that there was legally insufficient evidence to sustain such an indictment in the Grand Jury presentation as to Thomas Fitzgerald (1), denying [15-4] motion C) Pursuant to the Rule 16 of the Federal Rules of Criminal Procedure directing that the government provide to the dft. and his counsel a list of the names and addresses of witnesses, other than witnesses employed by the Government, it intends to call at time at least thirty (30) days prior to the commencement of the trial; D) Pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure directing that the Government be required to furnish a bill of particulars with respect to furnish a bill of particulars with respect to the Government's claims relating to the tax counts of the indictment to set forth in detail which checks (including dates, amounts and number of checks) it alleges constitute payments to the dft. which give rise to taxable income as alleged in Counts 15 through 17 of the superseding indictment: and E) For such other and further relief as to the Court seems just and proper, the dft. reserving the right to make such additional motion as necessary by virtue of the facts disclosed subsequently to the making of these motions or as a consequence thereof. AND IT IS FURTHER DIRECTED, pursuant to the directions of the Court, that answering affidavits, if any, be served in accordance with the schedule set forth by the Court. as to Thomas Fitzgerald (1) ( Entered by Judge Sonia Sotomayor ) (mr) (Entered: 12/12/1997)
12/12/1997		Pre-trial conference as to Thomas Fitzgerald held. Defendant Fitzgerald (bail) present with attorney Arlen Zalkut. AUSA Robin Morey present. Court reporter Sam Mauro present. Court rules on defense motion. All motions denied with the exception for the motio to sever, which is granted. Trial scheduled for 3/2/98 at 10:00 am. Jury charge and viore dire due in chambers by 2/20/98. Speedy Trial Time is excluded for the reasons set forth on the record from 12/11/97 through 3/2/98 purusant to T18USC3161(h)(8)(iv). Bail continued. (J. Sotomayor) (mr) (Entered: 12/12/1997)

12/19/1997	22	MOTION by Thomas Fitzgerald to suppress from evidence at time of trial the document referred to as the "unsigned affidavit" which the Gov't claims to have acquired in Dec., 1995 and any other evidence the Gov't obtained from the premises maintained by the defendant , and to compel the defense of any additional evidence, documents or material that the Gov't allegedly received from "police agent" or person acting under their control , and to compel the defense as to whether they are in possession of copies of the X-rays bills from M.D.T. and M.D.I. to the Mason Tenders Union which were stored together with the file which contained the "unsworn affidavit" Return date not indicated.... Attached Affirmation of Arlen S. Yalkut (ys) (Entered: 12/23/1997)
12/19/1997	23	Filed Memo-Endorsement on letter dated 12/10/97 to Judge Sotomayro signed by Arlen S. Yalkut as to Thomas Fitzgerald, requesting permission to make a further motion in this case seeking to suppress from evidence at time of trial the so called "unsigned affidavit" of Thomas Fitzgerald.... Make your motion immediate. Repose one week later. Reply 3 days later. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 12/23/1997)
12/23/1997	24	Filed Memo-Endorsement on letter by AUSA Robin W. Morey, dtd 12/23/97 to Judge Sotomayor re: as to Thomas Fitzgerald, Response to motion reset to 1/16/98 for USA for [22-1] motion to suppress from evidence at time of trial the document referred to as the "unsigned affidavit" which the Gov't claims to have acquired in Dec., 1995 and any other evidence the Gov't obtained from the premises maintained by the defendant, reset to 1/16/98 for USA for [22-2] motion to compel the defense of any additional evidence, documents or material that the Gov't allegedly received from "police agent" or person acting under their control, reset to 1/16/98 for USA for [22-3] motion to compel the defense as to whether they are in possession of copies of the X-rays bills from M.D.T. and M.D.I. to the Mason Tenders Union which were stored together with the file which contained the "unsworn affidavit" ( Signed by Judge Sonia Sotomayor ); Copies mailed. (ys) (Entered: 12/24/1997)
01/05/1998		Pre-trial conference as to Thomas Fitzgerald held. Dft. Fitzgerald (bail) present with atty. Arlen Yalkut; AUSA Robin Morey present; Counsel Yalkut's motion to be relieved as counsel of record for the dft. is granted for the reasons set forth on the record; New CJA counsel is to be appointed for the above-named dft. Trial scheduled for 3/2/98 at 10:00.....Judge Sotomayor. (mb) (Entered: 01/08/1998)
01/05/1998		ORAL ORDER as to Thomas Fitzgerald , set Jury trial for 10:00 3/2/98 for Thomas Fitzgerald ( Entered by Judge Sonia Sotomayor ) (mb) (Entered: 01/08/1998)
01/08/1998	25	ORDER as to Thomas Fitzgerald, The CJA atty. assigned to receive cases on this day, Phillip Edelbaum is hereby ordered to assume representation of the dft. in the above-captioned matter. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mb) Modified on 01/13/1998 (Entered: 01/09/1998)
01/12/1998	26	CJA 23 Financial Affidavit as to Thomas Fitzgerald. (ys) (Entered: 01/13/1998)
01/20/1998	27	Filed Memo-Endorsement on letter dated 1/15/98 from Philip R. Edelbaum to Judge Sotomayor as to Thomas Fitzgerald, requesting an extension of time until January 21, 1998 to reply to the Government's response. Extension granted. ( Signed by Judge Sonia Sotomayor ) (ba) (Entered: 01/21/1998)
01/21/1998	28	AFFIRMATION by Thomas Fitzgerald Re: Reply to the Government's response to the dft's motion to suppress. (mb) (Entered: 01/22/1998)



01/21/1998	29	MEMORANDUM of Law by Thomas Fitzgerald in rply to Government's response to the motion to suppress (mb) (Entered: 01/22/1998)
01/27/1998	30	CJA 20 as to Thomas Fitzgerald : Appointment of Attorney Philip R. Edelbaum ( Signed by Judge Sonia Sotomayor ) (ba) (Entered: 01/27/1998)
02/03/1998	31	ORDER as to Thomas Fitzgerald, By Notice of Motion dated December 18, 1997, the defendant moves to suppress an "unsigned affidavit" that defendant claims the Government seized illegally from him, or, in the alternative, for a hearing as to whether an illegal seizure occurred. The Government responds to the motion, inter alia, by arguing that the motion is moot and a hearing unnecessary at this time because the Government does not intend to use the "unsigned affidavit" in its direct case at trial but may use it for impeachment purposes to cross-examine the defendant. I agree with the Government and deny the motion to suppress the evidence and/or for a hearing at this time. Defendant argues that a hearing during the trial will disrupt the trial. It is both unnecessary and premature to hold a hearing at this time, however, when the Government has disclaimed the use of the evidence in its direct case and where one significant use proffered by the Government, the impeachment of the defendant, would not entitle the defendant to a hearing or United States v. Havens, 446 U.S. 620, 627-28 (1980) (the Government may cross-examine a defendant with illegally seized evidence if the defendant raises a contrary inference in his or her direct examination). The Government is warned, however, that it must give the Court adequate warning, not to disrupt the trial, of its intent to use the unsigned affidavit in any way other than the defendant's cross-examination. ( Signed by Judge Sonia Sotomayor ) (ba) (Entered: 02/05/1998)
02/13/1998	32	ORDER as to Thomas Fitzgerald... that because of extensive nature of the pre-trial preparation and the voluminous discovery that has been turned over to counsel, the late substitution of counsel, which requires counsel to work almost full time on this matter until the trial date of March 2, 1998 for the first part of the indictment and the anticipated hardship on counsel in undertaking representation full time for such a period without compensation, Philip R. Edelbaum, Esq. assigned under the Criminal Justice Act (CJA), may submit interim vouchers. Each voucher prior to the start of the trial, is to cover a minimum of a four week period. After the start of the trial counsel shall file an interim voucher for a minimum period of four weeks.... ( Signed by Judge Sonia Sotomayor ); Copies mailed. (ys) (Entered: 02/17/1998)
02/18/1998		CASE reassigned to Judge Richard Owen (ba) (Entered: 02/19/1998)
02/26/1998	33	Filed Memo-Endorsement on letter dated 2/20/98 from Philip R. Edelbaum to Judge Owen as to Thomas Fitzgerald, requesting assignment of a hand writing expert. The assignment of a handwriting expert is granted.( Signed by Judge Richard Owen ) (ba) (Entered: 02/26/1998)
03/06/1998	36	Proposed Voir Dire Questions by Thomas Fitzgerald as to Thomas Fitzgerald (ys) (Entered: 03/09/1998)
03/09/1998	34	Proposed Examination of Jurors by USA as to Thomas Fitzgerald (mr) (Entered: 03/09/1998)
03/09/1998	35	Request to Charge by USA (mr) (Entered: 03/09/1998)
03/09/1998		Voir dire begun as to Thomas Fitzgerald (1) count(s) 1s, 1, 2s-14s, 2-14, 15s-17s (ba) (Entered: 03/19/1998)
03/09/1998		Jury selection as to Thomas Fitzgerald begun (ba) (Entered: 03/19/1998)



03/09/1998		Jury selection as to Thomas Fitzgerald concluded (ba) (Entered: 03/19/1998)
03/09/1998		Jury impaneled as to Thomas Fitzgerald (ba) (Entered: 03/19/1998)
03/09/1998		Jury trial as to Thomas Fitzgerald begun (ba) (Entered: 03/19/1998)
03/10/1998	37	Request to Charge by Thomas Fitzgerald (mb) (Entered: 03/12/1998)
03/10/1998		Jury trial as to Thomas Fitzgerald held (ba) (Entered: 03/19/1998)
03/11/1998		Jury trial as to Thomas Fitzgerald held (ba) (Entered: 03/19/1998)
03/12/1998		Jury trial as to Thomas Fitzgerald held (ba) (Entered: 03/19/1998)
03/16/1998		Jury trial as to Thomas Fitzgerald held (ba) (Entered: 03/19/1998)
03/17/1998	38	ORDER as to Thomas Fitzgerald... Ordered that because of the anticipated length of the trial in this case, CJA attorney may submit interim vouchers for representation of his client.... (Signed by Judge Sonia Sotomayor); Copies mailed. (ys) (Entered: 03/18/1998)
03/17/1998		Jury trial as to Thomas Fitzgerald held. Deliberations begun and cont'd. (ba) (Entered: 03/19/1998)
03/18/1998		Jury trial as to Thomas Fitzgerald held. Deliberations cont'd and concluded. Deft. found guilty on counts 15, 16, and 17. Bail revoked. Deft. remanded. PSI Ordered. Sentencing set for 6/12/98 at 2:30. (Judge Owen) (ba) (Entered: 03/19/1998)
03/18/1998		Jury trial as to Thomas Fitzgerald concluded (ba) (Entered: 03/19/1998)
03/18/1998		JURY VERDICT as to Thomas Fitzgerald Guilty: Thomas Fitzgerald (1) count(s) 15s-17s (ba) (Entered: 03/19/1998)
04/20/1998	39	Filed Memo-Endorsement on letter dated 4/14/98 from Raymond J. Aab to Judge Owen as to Thomas Fitzgerald, requesting that the Court authorize Mr. Edelbaum to turn over the transcripts to the undersigned and that the Court so order the substitution of attorneys. ( Signed by Judge Richard Owen ) (ba) (Entered: 04/21/1998)
04/20/1998	40	Stipulation as to Thomas Fitzgerald, It is hereby Stipulated that Raymond J. Aab, Esq. 233 Broadway, New York, New York 10279, (212) 406-1700, shall substitute and relieve Philip Edelbaum as attorney for the Defendant in this case, and that Philip Edelbaum is authorized to turn over to Raymond J. Aab, Esq., his file in the case as well as the transcripts that have been provided to Mr. Edelbaum pursuant to the CJA. ( Signed by Judge Richard Owen ) (ba) (Entered: 04/21/1998)
05/08/1998	41	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 12/11/98. (ba) (Entered: 05/08/1998)
05/22/1998	42	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 5/22/98. (ba) (Entered: 05/28/1998)
05/28/1998	43	Filed Memo-Endorsement on letter dated 5/27/98 from AUSA Robert J. Cramer to Judge Owen as to Thomas Fitzgerald, requesting reset Sentencing for 7/17/98 for Thomas Fitzgerald , and exclude time from 5/27/98 to 7/17/98 to Continue in Interests of Justice ( Signed by Judge Richard Owen ) (ba) (Entered: 05/28/1998)
07/20/1998	44	ORDER as to Thomas Fitzgerald, ...it is hereby Ordered that, with respect to the pending charges contained in Counts One through Fourteen of the Indictment, the time from July 17, 1998 through September 14, 1998 is excluded...to Continue in Interests of Justice ( Signed by Judge Sidney H. Stein ) (ba) (Entered: 07/21/1998)

09/09/1998	45	ORDER as to Thomas Fitzgerald, exclude time from 9/14/98 to 11/6/98 to Continue in Interests of Justice ( Signed by Judge Richard Owen ) (ba) (Entered: 09/09/1998)
11/13/1998	46	ORDER as to Thomas Fitzgerald, exclude time from 11/12/98 to 12/11/98...to Continue in Interests of Justice ( Signed by Judge Richard Owen ) (ba) (Entered: 11/17/1998)
11/19/1998	47	SEALED DOCUMENT as to Thomas Fitzgerald (da) (Entered: 11/20/1998)
12/10/1998	48	ORDER as to Thomas Fitzgerald, Time is excluded from 12/9/98 1/15/99 pursuant to the Speedy Trial Act and to Continue in Interests of Justice ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 12/14/1998)
01/20/1999	49	Letter MOTION by Thomas Fitzgerald considering of release pending appeal either for " Reasonable Doubt" or " staying the execution of the sentence" Thank you for your time and consideration. I may need more time than my request to change the court date from 1/15/99 to 1/29/99. (mb) (Entered: 01/20/1999)
01/25/1999	50	DEFENSE SENTENCING MEMORANDUM by Thomas Fitzgerald (mb) (Entered: 01/27/1999)
02/03/1999	51	LETTER filed by Thomas Fitzgerald From Thomas Fitzgerald, Dated 2/3/99, Addressed to: Judge Richard Owen Re: Response to Mr. Aab's letter. (mb) (Entered: 02/03/1999)
02/09/1999	52	MOTION by Thomas Fitzgerald to obtain grand jury transcripts and minutes plus tapes. (mb) (Entered: 02/10/1999)
02/09/1999	53	MOTION by Thomas Fitzgerald to preserve issues in his case that were not brought into trial and also for those issues that were not allowed in during trial. (mb) (Entered: 02/10/1999)
02/09/1999	54	MOTION by Thomas Fitzgerald to obtain information and discovery on the mechanism used by Judge Owen presiding at my trial and the production of same. (mb) (Entered: 02/10/1999)
02/09/1999	55	LETTER filed by Thomas Fitzgerald From Thomas, Dated 2/9/99, Addressed to: Judge Owen Re: Notify you to return to me my letters that were retracted by me back into my records and files to their original status before retraction. (mb) (Entered: 02/10/1999)
02/17/1999	56	Memorandum Order as to Thomas Fitzgerald denying [54-1] motion to obtain information and discovery on the mechanism used by Judge Owen presiding at my trial and the production of same. as to Thomas Fitzgerald (1), denying [53-1] motion to preserve issues in his case that were not brought into trial and also for those issues that were not allowed in during trial. as to Thomas Fitzgerald (1), denying [52-1] motion to obtain grand jury transcripts and minutes plus tapes. as to Thomas Fitzgerald (1), All four motions are denied. Dft. in custody, has not yet been sentenced, and obviously, no appeal is possible until he has been sentenced. Arlen Yalkut remains a prospective witness in this case and accordingly, I decline to change my ruling excluding him as counsel. If dft. does not wish to be represented by Mr. Aab he is free to remain pro se, or to retain other counsel, either at his own expense, or, if he is indigent and executes the appropriate papers, appointed by the Court. Dft. is directed to inform me via letter forthwith as to what options he elects. Furthe, sentencing is now set for Friday, April 9, 1999 at 2:30 p.m. This date is firm and the matter shall proceed whether dft. is prose or whatever. This blizzard of contradictory papers from dft. must end.. Dt is further directed to send copies of all correspondence and motions to AUSA Robert Cramer and to defense counsel, or such motions and correspondence will not be accepted by me or filed with the Court. A conference is to be held before me on Friday, March 12, 1999 at 2:30 p.m. to set a trial date

		for all open counts unless some other disposition is proposed. Time from this date to 3/12/1999 is hereby excluded under the speedy trial act, 18 U.S.C. SS 3161 (H)(8)(A), in the interests of justice and given the dft's flood of papers. The foregoing is ordered. to Continue in Interests of Justice ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 02/17/1999)
02/18/1999	57	MOTION by Thomas Fitzgerald to compel the Court and government to recognize the above captioned dft. as a pro se. (mb) (Entered: 02/18/1999)
02/24/1999	58	MOTION by Thomas Fitzgerald for Acquittal and dismissal (mb) (Entered: 02/25/1999)
02/24/1999	59	LETTER filed by Thomas Fitzgerald From Thomas Fitzgerald, Pro se, Dated 2/12/99, Addressed to: Robert Cramer, AUSA. Re: Communication in good faith. (mb) (Entered: 02/25/1999)
02/24/1999	62	LETTER filed by Thomas Fitzgerald From Thomas Fitzgerald, Dated 2/24/99, Addressed to: Judge Owen Re: Reponse to letter dated 2/11/99. (mb) (Entered: 02/25/1999)
02/25/1999	60	MOTION by Thomas Fitzgerald to obtain copies of all of the information listed below from the government and release pending appeal. (mb) (Entered: 02/25/1999)
02/25/1999	61	LETTER filed by Thomas Fitzgerald From Thomas Fitzgerald, Dated 2/25/99, Addressed to: Judge Owens Re: My writing and motion to you. (mb) (Entered: 02/25/1999)
03/11/1999	63	MOTION by Thomas Fitzgerald To certify and to explain your denial of my motion to return original counsel, Arlen Yalkut, back into my case. (mb) (Entered: 03/11/1999)
03/11/1999	64	MOTION by Thomas Fitzgerald to certify and to explain your denial of my original motion for discovery and information regarding the transfer of this case from Judge Sotomayor to Judge Owen (mb) (Entered: 03/11/1999)
03/11/1999	65	MOTION by Thomas Fitzgerald to unseal the trial transcripts and tapes as well as my bail hearing transcripts and tapes in their entirety. (mb) (Entered: 03/11/1999)
03/11/1999	66	MOTION by Thomas Fitzgerald To certify and to explain your denial of my retraction of the withdrawal of my two letters at the hearing of 1/29/99 and my having them restored back into my case file and court records. , (mb) (Entered: 03/11/1999)
03/11/1999	67	MOTION by Thomas Fitzgerald To certify and to explain your denial of my original motion to preserve issues that were not brought to trial or which were denied by the court or objected to by the government due to the inability of dft's counsel to court procedure, preparedness and his total inadequacy. , Return date **/**/99 (mb) (Entered: 03/11/1999)
03/11/1999	68	MOTION by Thomas Fitzgerald To certify your denial and explain same of my original motion to produce the grandjury transcript, minutes and tapes. (mb) (Entered: 03/11/1999)
03/11/1999	69	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 1/29/99 before Judge Owen. (mb) (Entered: 03/12/1999)
03/17/1999	70	ORDER as to Thomas Fitzgerald, Time is excluded from 3/12/99 until 5/7/99 pursuant to the Speedy Trial Act and to Continue in Interests of Justice ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 03/17/1999)



03/29/1999	71	ORDER as to Thomas Fitzgerald, There appears to be " reasonable grounds." Accordingly, I direct that a psychiatric evaluation of Thomas Fitzgerald be conducted at the M.D.C. in Brooklyn. I appoint Dr. Robert Berger, on behalf of the Court, to make such an examination and promptly report to the Court and the Parties thereafter. The reasonable costs of the examination and report shall be paid by the government. ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 03/30/1999)
04/07/1999	72	Process Receipt and Return by U.S. Marshals Service as to Thomas Fitzgerald. (mb) (Entered: 04/26/1999)
05/03/1999	73	Filed Memo–Endorsement on letter dated 4/30/99 to Judge Owen from Thomas Fitzgerald. Re: Order to show cause. ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 05/06/1999)
05/03/1999	75	MOTION by Thomas Fitzgerald for release on time served (mb) (Entered: 05/10/1999)
05/06/1999	74	Affidavit in support of Criminal Complaints by Thomas Fitzgerald. (mb) (Entered: 05/06/1999)
05/06/1999	76	Filed Memo–Endorsement on letter dated 5/4/99 to Judge Owen from Robert J. Cramer as to Thomas Fitzgerald. An adjournment of the sentencing hearing. Time is excluded from 5/7/99 until 5/14/99 pursuant to the Speedy Trial Act and to Continue in Interests of Justice ( Signed by Judge Richard Owen ) (mb) (Entered: 05/11/1999)
05/11/1999	77	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 3/12/99 before Judge Owen. (mb) (Entered: 05/11/1999)
07/10/1999	78	Filed Psychiatric–Legal Report dated 7/2/99 as to Thomas Fitzgerald. (mb) (Entered: 07/13/1999)
07/15/1999	79	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 5/12/99 before Judge Owen . (mb) (Entered: 07/15/1999)
07/15/1999	80	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 5/21/99 before Judge Owen. (mb) (Entered: 07/15/1999)
07/19/1999	81	ORDER as to Thomas Fitzgerald, Dft. Thomas Fitzgerald may appear before me on 7/27/99 for sentencing in business attire rather than prison garb. ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 07/19/1999)
07/19/1999	82	ORDER as to Thomas Fitzgerald, Time is excluded from 7/1/99 until 7/28/99 pursuant to Speedy Trial Act and to Continue in the Interests of Justice ( Signed by Judge Richard Owen ); Copies mailed. (mb) (Entered: 07/19/1999)
08/11/1999	83	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 5/13/99 before Judge Owen. (mb) (Entered: 08/11/1999)
09/07/1999		Sentencing held Thomas Fitzgerald (1) count(s) 15s–17s (mb) (Entered: 09/14/1999)
09/09/1999	84	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 7/28/99 before Judge Owen. (mb) (Entered: 09/09/1999)
09/13/1999		DISMISSAL of Count(s) on Government Motion as to Thomas Fitzgerald Terminated motions: [75–1] motion for release on time served as to Thomas Fitzgerald (1), [68–1] motion To certify your denial and explain same of my original motion to produce the grandjury transcript, minutes and tapes. as to Thomas Fitzgerald (1), [67–1] motion To certify and to explain your denial of my original motion to preserve issues that were not brought to trial or which were denied by the court or objected to by the government due to the inability of dft's counsel to court procedure, preparedness and his total inadequacy. as to Thomas Fitzgerald (1), [66–1] motion To certify



		<p>and to explain your denial of my retraction of the withdrawal of my two letters at the hearing of 1/29/99 and my having them restored back into my case file and court records. as to Thomas Fitzgerald (1), [65-1] motion to unseal the trial transcripts and tapes as well as my bail hearing transcripts and tapes in their entirety. as to Thomas Fitzgerald (1), [64-1] motion to certify and to explain your denial of my original motion for discovery and information regarding the transfer of this case from Judge Sotomayor to Judge Owen to Thomas Fitzgerald (1), [63-1] motion To certify and to explain your denial of my motion to return original counsel, Arlen Yalkut, back into my case. as to Thomas Fitzgerald (1), [60-1] motion to obtain copies of all of the information listed below from the government and release pending appeal. as to Thomas Fitzgerald (1), [58-1] motion for Acquittal and dismissal as to Thomas Fitzgerald (1), [57-1] motion to compel the Court and government to recognize the above captioned dft. as a pro se. as to Thomas Fitzgerald (1), [49-1] motion considering of release pending appeal either for " Reasonable Doubt" or " staying the execution of the sentence" Thank you for your time and consideration. I may need more time than my request to change the court date from 1/15/99 to 1/29/99. as to Thomas Fitzgerald (1), [22-1] motion to suppress from evidence at time of trial the document referred to as the "unsigned affidavit" which the Gov't claims to have acquired in Dec., 1995 and any other evidence the Gov't obtained from the premises maintained by the defendant as to Thomas Fitzgerald (1), [22-2] motion to compel the defense of any additional evidence, documents or material that the Gov't allegedly received from "police agent" or person acting under their control as to Thomas Fitzgerald (1), [22-3] motion to compel the defense as to whether they are in possession of copies of the X-rays bills from M.D.T. and M.D.I. to the Mason Tenders Union which were stored together with the file which contained the "unsworn affidavit" as to Thomas Fitzgerald (1) Counts Dismissed: Thomas Fitzgerald (1) count(s) 1s, 1, 2s-14s, 2-14 (mb) Modified on 09/14/1999 (Entered: 09/14/1999)</p>
09/13/1999	85	<p>FILED JUDGMENT IN A CRIMINAL CASE. Dft. present with atty. Bruce Barket, Esq. Dft. Thomas Fitzgerald (1) was found guilty count(s) 15s-17s. The dft. is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. It is ordered that the dft. shall pay a special assessment of \$100.00 which shall be due immediately. IT IS FURTHER ORDERED that the dft. shall notify the U.S. Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. The dft. is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of 40 months. On each of counts 15, 16, and 17, to run concurrently with each other for total prison term of 40 months. , Thomas Fitzgerald (1) count(s) 1s, 1 , 2s -14s , 2 -14 . All open counts are dismissed on the motion of the U.S. The court makes the following recommendations to the Bureau of Prisons: that dft. serve prison term in Federal Facility in Bklyn. or northeast area, if possible. The dft. is remanded to the custody of the U.S. Marshal. Upon release from imprisonment, the dft. shall be on supervised release for aterm of 3 years on each of counts 15-17, to run concurrently with each other. The dft. shall not possess a firearm as defined in 18 U.S.C. SS 921. Statement of reasons attached. Judgment and Commitment issued to U.S. Marshal ( Signed by Judge Richard Owen ); [ Docketed as a Judgment #99,2181 on 9/22/99. ] (mb) Modified on 09/22/1999 (Entered: 09/14/1999)</p>
09/17/1999	86	<p>NOTICE OF APPEAL by Thomas Fitzgerald Thomas Fitzgerald (1) count(s) 15s-17s. From judgment entered 9/13/99 [85-1] Filing Fee \$ 105.00 Receipt # 355081. Copies sent to AUSA, courtreporters, judge, USCA. (as) (Entered: 09/20/1999)</p>

09/17/1999		Notice of Appeal with copy of order/judgment and two copies of docket entries as to Thomas Fitzgerald transmitted to USCA re: [86-1] appeal on 9/20/99 (as) (Entered: 09/20/1999)
10/06/1999		USCA Case Number as to Thomas Fitzgerald Re: [86-1] appeal USCA NUMBER: 99-1548. (dt) (Entered: 10/06/1999)
10/14/1999	87	File notice that the record on appeal as to Thomas Fitzgerald has been certified and transmitted to USCA on 10/14/99 [86-1] appeal. (dt) (Entered: 10/14/1999)
11/15/1999	88	TRANSCRIPT of record of proceedings as to Thomas Fitzgerald for dates of 9/7/99 before Judge Owen. (mb) (Entered: 11/16/1999)
12/21/1999	89	True Copy of Order from USCA as to Thomas Fitzgerald Re: dismissing defendant's motion for bail pending appeal. (mr) (Entered: 12/22/1999)
01/09/2000	93	AMENDED JUDGMENT IN A CRIMINAL CASE: Dft. Abraham Melamed, Esq. Dft. Thomas Fitzgerald (1) pleaded guilty to count(s) 15s-17s. It is ordered that the dft. shall pay a special assessment of \$ 300.00 which shall be due immediately. IT IS FURTHER ORDERED that the dft. shall notify the U.S. Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. The dft. is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a total term of 40 months. On each of counts 15, 16, and 17, to run concurrently with each other for total prison term of 40 months. AMENDED SENTENCE : The dft. is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 37 months on each of counts 15 through 17, to run concurrently with each other. Upon release from imprisonment, the dft. shall be on supervised release for a term of 3 years of counts 15 through 17 to run concurrently with each other. ( Signed by Judge Richard Owen ) (mb) (Entered: 01/10/2001)
06/01/2000		by Thomas Fitzgerald, INDEXED RECORD ON APPEAL FILES, 99-1548 sent to U.S.C.A. *(Files requested by Vincenza Singleton from U.S.C.A.*). (sl) (Entered: 06/01/2000)
12/21/2000	90	True Copy of Order from USCA as to Thomas Fitzgerald Re: IMMEDIATE RELEASE [86-1] appeal Ordered that the motion be Granted. The district court is directed to order appellant's immediate release and to set the conditions for said release . 99-1548, Roseann B. Mackechnie, Clerk. (sl) (Entered: 12/21/2000)
12/27/2000	91	MANDATE OF USCA (certified copy) as to Thomas Fitzgerald Re: remanding for resentencing Thomas Fitzgerald (1) count(s) 15s-17s. On consideration whereof, it is now hereby ORDERED, ADJUDGED AND DECREED that the judgment of said district court be and it hereby is AFFIRMED in part, VACATED in part and REMANDED for resentencing in accordance with the opinion of this Court. (rag) (Entered: 12/27/2000)
12/28/2000	92	ORDER as to Thomas Fitzgerald, In accordance with my oral order contained in the minutes of 12/21/00, the dft. Thomas Fitzgerald is to be released forthwith from custody of the Bureau of Prisons and/or the U.S. Marshals. ( Signed by Judge Richard Owen ) Copies mailed to Counsel of Record on 12/22/00 . (mb) (Entered: 12/28/2000)
01/29/2001		by Thomas Fitzgerald, Indexed record on appeal files (99-1548) returned from the U.S.C.A. (dt) (Entered: 01/29/2001)
06/01/2001		Payment of Fine by Thomas Fitzgerald in the amount of \$110.00: Date Received: 6/1/01. (mn) (Entered: 06/01/2001)

06/15/2001		Payment of Fine by Thomas Fitzgerald in the amount of \$135.00: Date Received: 6/15/01. (mn) (Entered: 06/15/2001)
07/19/2001		Payment of Fine by Thomas Fitzgerald in the amount of \$140.00: Date Received: 7/19/01. (mn) (Entered: 07/19/2001)
10/09/2001		Payment of Fine by Thomas Fitzgerald in the amount of \$145.00: Date Received: 10/9/01. (mn) (Entered: 10/09/2001)
10/15/2001		Payment of Fine by Thomas Fitzgerald in the amount of \$245.00: Date Received: 10/12/01. (mn) (Entered: 10/15/2001)
01/14/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$333.00: Date Received: 1/14/02. (mn) (Entered: 01/14/2002)
04/04/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$539.00 restitution: Date Received: 4/4/02. (mn) (Entered: 04/04/2002)
05/13/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$113.00rest: Date Received: 05/08/02. (gm) (Entered: 05/13/2002)
07/10/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$184.00 restitution: Date Received: 7/10/02. (mn) (Entered: 07/10/2002)
08/07/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$183.00 restitution: Date Received: 8/7/02. (mn) (Entered: 08/07/2002)
09/13/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$175.00rest: Date Received: 09/12/02. (gm) (Entered: 09/13/2002)
10/09/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$251.00rest: Date Received: 10/08/02. (gm) (Entered: 10/09/2002)
11/12/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$217.32: Date Received: 11/12/02. (gm) (Entered: 11/12/2002)
12/12/2002		Payment of Fine by Thomas Fitzgerald in the amount of \$167.00 restitution: Date Received: 12/12/02. (mn) (Entered: 12/12/2002)
01/09/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$172.00 restitution: Date Received: 1/9/03. (mn) (Entered: 01/09/2003)
02/11/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$271.00 restitution: Date Received: 2/11/03. (mn) (Entered: 02/11/2003)
03/07/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$139.19 RESTITUTION: Date Received: 3/7/03. (mn) (Entered: 03/07/2003)
04/04/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$311.91 restitution: Date Received: 4/4/03. (mn) (Entered: 04/04/2003)
05/08/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$180.63 restitution: Date Received: 5/8/03. (mn) (Entered: 05/08/2003)
06/09/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$265.28 restitution: Date Received: 6/9/03. (mn) (Entered: 06/09/2003)
07/09/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$175.12 restitution: Date Received: 7/9/03. (mn) (Entered: 07/09/2003)
08/06/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$238.00 restitution: Date Received: 8/6/03. (mn) (Entered: 08/06/2003)
10/07/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$281.83 restitution: Date Received: 10/7/03. (mn) (Entered: 10/07/2003)
11/12/2003		Payment of Fine by Thomas Fitzgerald in the amount of \$241.68 restitution: Date Received: 11/10/03. (mn) (Entered: 11/12/2003)
12/19/2003		Payment of restitution from Thomas Fitzgerald in the amount of \$255.00. Date Received: 12/15/03. (mn, ) (Entered: 12/19/2003)

01/07/2004		Payment of restitution from Thomas Fitzgerald in the amount of \$141.95. Date Received: 1/7/04. (mn, ) (Entered: 01/07/2004)
02/09/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$159.21. Date Received: 2/9/04. (mn, ) (Entered: 02/09/2004)
03/10/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$161.10. Date Received: 3/10/04. (mn, ) (Entered: 03/10/2004)
04/13/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$173.74. Date Received: 4/13/04. (mn, ) (Entered: 04/13/2004)
05/12/2004		Payment of restitution from Thomas Fitzgerald in the amount of \$156.29. Date Received: 5/12/04. (mn, ) (Entered: 05/12/2004)
06/09/2004		Payment of restitution from Thomas Fitzgerald in the amount of \$144.20. Date Received: 6/9/04. (mn, ) (Entered: 06/09/2004)
07/12/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$115.00. Date Received: 7/12/04. (mn, ) (Entered: 07/12/2004)
08/11/2004		Payment of restitution from Thomas Fitzgerald in the amount of \$115.00. Date Received: 8/11/04. (mn, ) (Entered: 08/11/2004)
11/12/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$150.00. Date Received: 11/12/04. (mn, ) (Entered: 11/12/2004)
12/22/2004		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$202.31. Date Received: 12/22/04. (mn, ) (Entered: 12/22/2004)
02/07/2005		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$141.48. Date Received: 2/7/05. (mn, ) (Entered: 02/07/2005)
03/15/2005		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$123.61. Date Received: 3/15/05. (mn, ) (Entered: 03/15/2005)
04/13/2005		Payment of RESTITUTION from Thomas Fitzgerald in the amount of \$109.10. Date Received: 4/13/05. (mn, ) (Entered: 04/13/2005)
06/06/2005		Payment of Restitution from Thomas Fitzgerald in the amount of \$119.00. Date Received: 5/24/2005. (mli, ) (Entered: 06/06/2005)